

# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P0488	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB00/02909	International filing date (day/month/year) 28/07/2000	Priority date (day/month/year) 31/07/1999
International Patent Classification (IPC) or national classification and IPC C04B30/02		
Applicant MICROTHERM INTERNATIONAL LIMITED.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  26/02/2001	Date of completion of this report  09.08.2001
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Harbron, J  Telephone No. +49 89 2399 8453 

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International application No. PCT/GB00/02909

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

### Description, pages:

1-22 as originally filed

### Claims, No.:

1-39 as originally filed

### Drawings, sheets:

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

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☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Yes:	Claims	1-39
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-39
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-39
	No:	Claims	

2. Citations and explanations  
**see separate sheet**

## VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:  
**see separate sheet**

**Re Item V**

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. D1: DE 42 12 229 A (WILLICH DAEMMSTOFFE & ISOLIERERS) 14 October 1993 (1993-10-14)  
D2: US-A-4 118 450 (NAKAMURA RYUJI ET AL) 3 October 1978 (1978-10-03)  
D3: GB-A-1 580 909 (MICROPORE INTERNATIONAL LTD) 10 December 1980 (1980-12-10)  
D4: WO 98 17596 A (EYHORN THOMAS ;KLAUS JOHANN (DE); KRATEL GUENTER (DE); WACKER CHEM) 30 April 1998 (1998-04-30) cited in the application  
D5: DE 26 34 674 A (HOELTER HEINZ) 9 February 1978 (1978-02-09)
2. None of the cited prior art documents discloses all the features on method claim 1. In particular, none of the cited documents disclose the volatilised silica having the given carbon content together with dry processing and heating of the material. Document D1 discloses wet processing of materials and does not specify a heating step. D2 discloses teaching similar to D1. Document D3 discloses a thermal insulation material comprising a mixture of microporous silica aerogel , an opacifier and alumina fibres. Methods of making these materials are discussed in D3 but reference is made to two further documents which do not disclose the method of claim 1.

**Re Item VII**

**Certain defects in the international application**

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D3 is not mentioned in the description, nor are these documents identified therein.